

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

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CRWP No.680 of 2018 (O&M).
Date of Decision: 22.11.2018

Amit

....Petitioner.

Versus

State of Haryana and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Sandeep Gahlawat, Advocate, with
Ms. Amandeep Kaur, Advocate, for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Haryana.

Detenue Preeti with Mrs. Sandhya Nain,
Incharge, Nari Niketan alongwith LHC Rozy,
SI Ramesh Kumar and ASI Sukhwinder Singh.

Shekher Dhawan, J.

Present writ petition under Article 226 of the Constitution of India read with Section 482 of the Criminal Procedure Code, for issuance of writ in the nature of Habeas Corpus, was filed so as to appoint some Warrant Officer to produce detenue Preeti daughter of Shri Rajbir, resident of village Meherera, Tehsil and District Jind, from the custody of respondent No.7, who has been illegally detained in Nari Niketan.

On filing of the petition, notice was issued and above said Preeti has been produced in the Court. Her statement has been recorded, which is as under:-

“I am above 17 years. At present, I am staying in Nari Niketan, Karnal. I do not want to reside in Nari Niketan, Karnal. I also do not want to go to the house of my parents. I want to go in the company of petitioner-Amit son of Jai Bhagwan, who is present in the Court out of my own free will. I have not performed the marriage with petitioner-Amit but I want to perform marriage with him.”

Learned counsel representing the petitioner has fairly conceded that the petitioner herein has not performed the marriage with Preeti and some F.I.R. has been registered against the petitioner by the parents of Preeti, and as such, present petitioner is not the legal guardian, with whom the custody of Preeti can be handed over. At the same time, Preeti does not want to go in the custody of her natural guardian i.e. her parents. She, being of the age of less than 18 years, her wishes to go in the company and in the custody of present petitioner also cannot be accepted by this Court especially in view of the fact that the petitioner has not performed the marriage with detainee Preeti.

Detainee Preeti does not want to go in the custody of her natural guardian i.e. her parents. She is to be provided protection as well being less than 18 years of age. Accordingly, it is ordered that Preeti daughter of Rajbir shall be taken to Bal Gram, Rai, till she attains the age of majority. The Superintendent/Incharge of Nari Niketan shall ensure that Preeti is sent to Bal Gram Rai, District Sonapat, today itself and the Incharge of Bal Gram, Rai, shall ensure the protection and safety of Preeti during the period of her stay at Bal Gram, Rai, District Sonapat.

With the above observations, present petition stands disposed of.

Copy of this order be given to learned State counsel under signature of Bench Secretary of this Court.

(SHEKHER DHAWAN)
JUDGE

22.11.2018
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No